

**Introduced by Senator Battin**

February 17, 2005

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An act ~~relating to employment~~ to add Section 658 to the Unemployment Insurance Code, relating to unemployment compensation.

LEGISLATIVE COUNSEL'S DIGEST

SB 382, as amended, Battin. *Unemployment Compensation: ~~Symphony~~ symphony musicians:independent contractors.*

*Existing law provides for the payment of unemployment compensation to unemployed individuals who meet certain eligibility requirements. Existing law excludes from the definition of "employment," for purposes of unemployment insurance coverage, professional services performed by specified individuals.*

*This bill would additionally exclude from the definition of "employment," for purposes of unemployment insurance coverage, services provided by a musician employed by a symphony or classical orchestra, as defined.*

*Existing law provides that there is a rebuttable presumption that a physician and surgeon licensed under California law, and that a worker performing services for which a license is required pursuant to California law, is an independent contractor rather than an employee.*

*This bill would state the intent of the Legislature to enact legislation that would clarify that musicians employed by a symphony may be considered independent contractors for employment purposes.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. It is the intent of the Legislature to enact~~  
2     ~~legislation that would clarify that musicians employed by a~~  
3     ~~symphony may be considered independent contractors for~~  
4     ~~employment purposes.~~

5     *SECTION 1. Section 658 is added to the Unemployment*  
6     *Insurance Code to read:*

7     *658. "Employment" does not include professional services*  
8     *performed by a musician employed by a symphony or classical*  
9     *orchestra that gives 10 or fewer performances per calendar year.*